

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CHRISTINE McDERMOTT LAURIA, MARK
RYAN, WILLIAM E. ROBINSON, KENNETH
WOODHALL, STEPHANIE A. RESCH, PETER
IMPAGLIAZZO, PAUL C. IMPAGLIAZZO, NEIL
J. SURGENOR, STEVE VOULGARIS, ROSS
GARDENLAUB, RICHARD HOLMES, WALTER
KURICK, ROBERT FINN, BRYAN RAY, and
JEFF McKAY,

Plaintiffs,

-against-

MITCHELL L. HEFFERNAN and JAMES E.
PEDRICK,

Defendants.

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**MEMORANDUM OF
DECISION AND ORDER
07-CV-2709 (ADS)(MLO)**

APPEARANCES:

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Attorneys for the Plaintiffs
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By: Robert Scandone, Esq., Of Counsel

SPATT, District Judge.

On October 22, 2008, the Court directed the Law Offices of Neil H. Greenberg & Associates, P.C. (“Greenberg”) to serve a Court Order on Plaintiff Jeff McKay, instructing him that he must file an appearance, either pro se or through an attorney, within 30 days of receiving the Order or his claims would be dismissed for failure to prosecute under FED. R. CIV. P. 41(b). In the same Order, the Court also directed Greenberg to publish a notice in both the New York Daily News and Newsday requesting that Plaintiff, William E. Robinson (“Robinson”), appear before the Court either pro se or through an attorney by November 20, 2008. The Order provided that, in the event Robinson did not appear before the Court on or before November 20th, his claim would also be dismissed for failure to prosecute.

Greenberg served a copy of the Order upon McKay on October 27, 2008. Since thirty days have passed from the date of service without an appearance by McKay, the Court dismisses his claims, with prejudice, for his failure to prosecute the action. Likewise, with the notice having been published as directed, because

Robinson failed to appear on or before November 20, 2008, the Court dismisses his claims, with prejudice, for his failure to prosecute the action.

III. CONCLUSION

Based on the foregoing, it is hereby

ORDERED, that Plaintiff Jeff McKay’s claims are dismissed for failure to prosecute, and it is further

ORDERED, that Plaintiff William E. Robinson’s claims are dismissed for failure to prosecute, and it is further

ORDERED, that the amended caption should read as follows:

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CHRISTINE McDERMOTT LAURIA, MARK
RYAN, KENNETH WOODHALL, STEPHANIE
A. RESCH, PETER IMPAGLIAZZO, PAUL C.
IMPAGLIAZZO, NEIL J. SURGENOR, STEVE
VOULGARIS, ROSS GARDENLAUB, RICHARD
HOLMES, WALTER KURICK, ROBERT FINN,
and BRYAN RAY,

Plaintiffs,

-against-

MITCHELL L. HEFFERNAN and JAMES E.
PEDRICK,

Defendants.

-----X

SO ORDERED.

Dated: Central Islip, New York
November 28, 2008

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge